

**REMARKS**

Applicant has amended the specification and claims 1, 12, 20, and 49-51. No new matter has been added by way of these amendments. Applicant's representatives thank Examiner Nguyen for extending the courtesy of a telephonic interview with on January 20, 2010. During this telephonic interview, claims 1, 12, and 20 were discussed in view of Chang including amendments to claims 1, 12, and 20 to distinguish them from the cited prior art references which are believed to have been incorporated in this amendment. In view of the above amendments and the following remarks, reconsideration and withdrawal of the rejections of the claims is respectfully requested.

The Office has objected to the specification as allegedly failing to provide proper antecedent basis for the claimed subject matter. The Office asserts the specification gives no details about the "medium" or "media," and the description must provide clear support or antecedent basis for the terms and phrases used in the claims so that the meaning of the terms and phrases may be ascertained, as required in Rule 75.

As discussed in the previous reply filed September 1, 2009, the Office's strict literal interpretations are not supported by MPEP § 608.01(o) nor properly gives any level of skill to one of ordinary skill in the art. MPEP § 608.01(o) cited by the Office clearly notes an applicant is not limited to the nomenclature used in the application as the Office is improperly attempting to do. Computer readable medium or media is an extremely well known term to one of ordinary skill in the art and such medium or media are clearly disclosed in the above-identified patent application, by way of example, at page 16, line 15 and page 17, line 12. Nevertheless, Applicant has now amended the specification after paragraph ending at page 3, line 27 to disclose the term "media." The Office's attention is respectfully requested toward original claim 20 of the filed application where the term "media" is recited. Since original claims form part of the original disclosure, *see In re Gardner*, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973), and MPEP at § 601.01(d), for example, the above-noted term has proper antecedent basis in the specification. Accordingly, in view of the foregoing amendments and remarks, reconsideration and withdrawal of this objection is respectfully requested.

The Office has rejected claims 20-21, 23-27, 32-33, 42, 45, and 51 under 35 U.S.C. §101 allegedly because the claimed invention is directed to non-statutory subject matter. The Office asserts claim 20 recites a “computer readable medium” storing instructions that perform various steps, and the steps are software per se, and the specification gives no details about the “medium” or “media”, and therefore, the “medium” in claim 20 is not directed toward statutory subject matter. Thus, the Office asserts, “the recited “computer readable medium” is not a “process”, a “machine”, a “manufacture” or a “composition of matter,” as defined in 35 U.S.C. §101, and accordingly, claim 20 fails to recite statutory subject matter under 35 U.S.C. §101”.

First, with respect to the Office’s assertion directly above, it is well established that computer readable medium claims comprise statutory subject matter. The Office’s attention is respectfully directed to MPEP Section 2106.01 which states, “When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Second, by way of example page 16, line 24 to page 17, line 12 in the above-identified patent application provides support for these claims. Further, Applicant has amended the specification to incorporate claim 20 as originally filed which disclose the term “media.” Accordingly, in view of the foregoing amendments and remarks, reconsideration and withdrawal of this rejection is respectfully requested.

The Office has rejected claims 49-51 under 35 U.S.C. §112, first paragraph, asserting claims 49-51 contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Accordingly, claims 49-51 have been amended as set forth above to clarify the limitations which are clearly supported by the original filed application. By way of example only, the subject matter of claims 49-51 is described at page 8, lines 2-8 in the above-identified patent application:

Alternatively, in, for example, an administrative mode, all pages can be populated with the “Control Panel” button allowing a page author direct access to the various editing modes. A user then edits, for example, with the input device 240, the template. Upon completion of the edit, the template edit

device 160 verifies the syntax of the template. If the syntax is acceptable, the updated template is temporarily stored. Otherwise the template edit device 160 generates a message for display on the display device 220 indicating that there is a syntax error. (Emphasis added)

Accordingly, in view of the foregoing amendments and remarks, reconsideration and withdrawal of this rejection is respectfully requested.

The Office has rejected claims 1-3, 5-13, 15-16, 18-21, 23-34, 37-38, 41-42, and 45 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bay-Wei Chang, “In-Place Editing of Web Pages: Sparrow Community-Shared Documents”, published 04/1998 (Chang), in view of U.S. Patent Application Publication No. 00674523881 to Giljum et al. (Giljum ‘238), and further in view of US Patent No. 6,654,032 to Zhu et al. (Zhu), Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, Giljum and Zhu applied to claims 1-3, 5-13, 15-16, 18-21, 23-34, 37-38, 41-42 and 45 above and further in view of Li et al. (Li), US Patent No. 6,067,568.

Chang, Giljum and Zhu, taken alone or in combination, do not disclose or suggest, “a template edit merging device that merges a modified item template back into the electronic document even if the user edits the content of one or more items managed by the item template in the actively live web page, while the same item template for which the user edits the content is simultaneously being modified or updated by an author of the electronic document,” as recited in claim 1, or “merging a modified item template back into the electronic document even if the user edits the content of one or more items managed by the item template in an actively live web page, while the same item template for which the user edits the content is simultaneously being modified or updated by an author of the electronic document,” as recited in claims 12 and 20.

Chang discloses “one user may change an item on a page without affecting users who are editing **other items on the same page**,” (See, cited portions of Chang at pp. 14, section 4.6). Similarly, on page 7, lines 16-19, cited by the Office, Chang discloses, “the user is only asked to intervene on rare occasions when an item has been simultaneously edited.” (emphasis added). Further, Chang discloses, “[b]ecause editing with Sparrow occurs at such a fine grain (per item) and the time to edit each item is typically short (because items are small), such conflicts are rare.” (Emphasis added). Thus, at most Chang discloses or suggests editing of different items only, simultaneously or otherwise, and does not disclose

merging item templates and content associated with the same item template, both being modified simultaneously by an author of the electronic document and a user, respectively, into the electronic document, as claimed. Like Chang, Giljum and Zhu do not disclose or suggest Applicant's editing content of one or more items and item templates simultaneously, and thus fail to resolve this deficiency in Chang.

In contrast, Applicant's claimed invention allows a user to edit the content associated with an item template at the same time when an author of the electronic document is editing the same item template itself. By way of example only, the Office's attention is respectfully requested to paragraph [0054] of the published application where it is disclosed (emphasis added):

[0054] In an exemplary embodiment, the selective editing system 100 uses a CGI script to implement the above methods. This CGI script uses the same file locking and waiting strategy for both kinds of editing. Thus, it is possible for the page author to **modify an item template at the same time that the contributor is adding or editing items to a page.** Thus, web pages that use the template editing technique described in accordance with the exemplary systems and methods of this invention can remain "live" to contributors, **even while item templates or the overall HTML is being modified or updated.**

An exemplary advantage of the Applicant's claimed invention is that a page author who wishes to modify the layout of a group-editable web page with the formatting of its contributions does not need to take the web page off-line, read the entire page into a text editor or HTML authoring tool and then use the editor or tool to change the overall page, the template, the data items, or some combination of these items. Instead, by performing edits to item templates while the content of the items themselves are being edited by the user(s), web pages can be updated considerably faster than conventional web page editing techniques.

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection of claims 1, 12, and 20. Since claims 2, 3, 5-11, 28, 29, 34, 37, and 49 depend from and contain the limitations of claim 1, claims 13, 15, 16, 18, 19, 30, 31, 38, 41, and 50 depend from and contain the limitations of claim 12, and claims 21, 23-27, 32, 33, 42, 45, and 51 depend from and contain the limitations of claim 20, they are distinguishable over the cited references and patentable in the same manner as claims 1, 12, and 20.

In view of all of the foregoing, Applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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